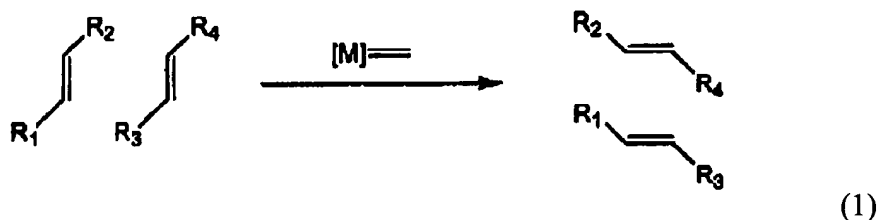


### REMARKS

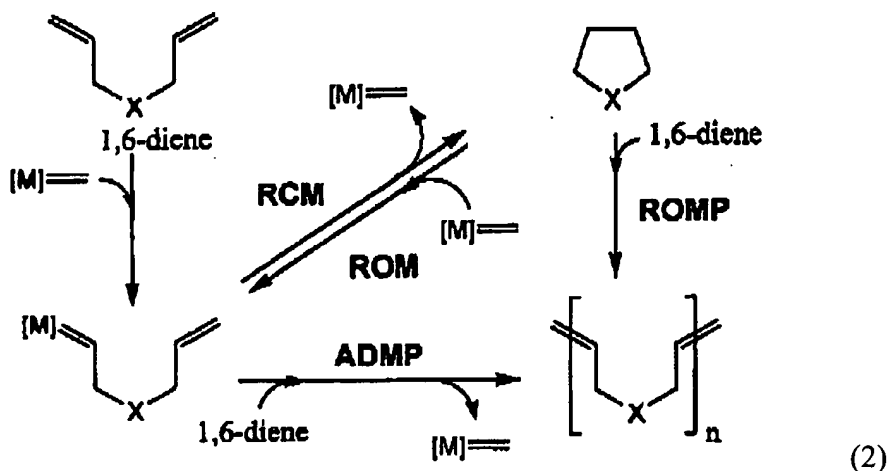
Reconsideration is respectfully solicited.

Applicants respectfully traverse the rejections of claims, under 35 U.S.C. §§ 102 and 103 over Briot *et al* [hereinafter "Briot"].

In applicants' view, Briot does not teach cyclopolymerization of 1,6-dienes and thus does not anticipate the claims under consideration. Applicants rely on section 2131 of the MPEP, which outlines the case precedent that dictates that an anticipatory references must describe each and every element of the claim under examination. As clearly shown in the title of Briot, Briot relates to metathesis of olefins, the general concept of which is shown by chemical formula (1) wherein "[M]=" is a catalyst.



Further, when such metathesis reaction is applied to 1,6-dienes, it generates a variety of products caused by RCM (Ring Closing Metathesis), ROM (Ring Opening Metathesis) ROMP (Ring Opening Metathesis Polymerization) and ADMP (Acyclic diene metathesis Polymerization). See chemical formula (2).



On the other hand, for entry 11 of Table 1, Briot recites "dimerization". However, Briot is silent as to the formula of a dimerization product. Furthermore, Briot is silent as to the identity of two molecules involved in "dimerization". Therefore, Briot does not teach or suggest that entry 11 of Table yields "ring closing polymerized" product which does not undergo "metathesis" reaction, since the above described ADMP and ROMP may provide acyclic dimerization product.

Applicants respectfully traverse the rejections of claims, under 35 U.S.C. § 103 over Butler *et al.* The applicant disagrees with the Examiner's opinion that the products of polymerization of 1,6-dienes are obvious.

In fact, reactivity of the particular 1,6-diene monomers toward cyclic polymerization is quite different. For example, allyl methacrylate falls within the category of 1,6-diene, however yield of cyclic polymerization thereof is very low, even when it is reacted with AIBN (azoisobutyranitrile) at a temperature of 60 °C in a sealed tube. Therefore, one skilled in the art cannot foresee the reactivity of  $\alpha$ -allyloxymethylstyrenes, even though the result of the polymerization of 2-phenylallyl-2'-carboethoxyallyl ether is disclosed.

This fact is apparent from Table 1 of one of the documents of Butler *et al* (please see p. 1243 of J. Macromol. Sci.-Chem., A8(7) 1239 (1974). For example 2-phenylallylmethallylether does not produce any polymers.

In addition the reaction conditions of Butler et al are different from those of the examples. That is, Butler tried to synthesize a polymer with a high cyclization ratio by solution polymerization of the monomers. The specific conditions taught by Butler follow:

- |                                |                                 |
|--------------------------------|---------------------------------|
| (a)polymerization temperature: | 50 degrees C                    |
| polymerization initiator       | AIBN                            |
| solvent benzene; and           |                                 |
| (b) polymerization temperature | -78 degrees C                   |
| polymerization initiator       | BF3                             |
| solvent                        | dichloromethane and chloroform. |

The conditions of Butler appear to include low polymerization temperature.

By comparison applicants process is bulk polymerization of 1, 6-dienes, in which no solvents are present. In the case of bulk polymerization, polymerization yield and cyclization ratio are not high when AIBN is used as an initiator at 60 degrees C. The inventors have succeeded in providing a temperature-resistant polymer with high molecular weight, high cyclization ratio and high glass transition temperature, under bulk polymerization conditions using cumene hydroperoxide as initiator.

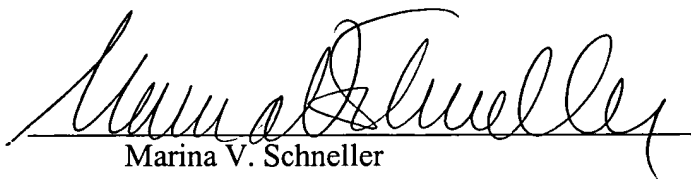
In applicants view, their polymerization product is quite different from that of Butler et al. although similar types of monomers are employed. Applicants believe that that differences is due to the distinct polymerization conditions. It should be noted that the present specification provides yield, molecular weight, cyclization ratio and glass transition temperature of the products formed by polymerization at a temperature of 140-180°C.

Applicants respectfully traverse the obviousness type double patenting rejections over U.S. 6939595. The U.S. Patent Office cited *In re Vogel*, the seminal case in the area of obviousness—or judicially created—double patenting. That case dictates a claim by claim comparison at the claim element level, to adjudicate the issue. As Vogel indicates, the comparison is akin to the determination of an issue of infringement.

In applicants' view, US 6939595 presents no issue of double patenting. The claims of 6939595 are directed to an article of manufacture—an injection molded plastic magnetic recording medium substrate. Moreover, the patent claims define the allyloxymethyl styrene resin to include R which is selected from the group consisting of hydrogen, alkyl, cycloalkyl, aryl and aromatic heterocyclic. Comparison of the claims reveals that infringement of claims of 6939595 does not necessarily result in infringement of the claims of the instant application; and moreover infringement of the claims of the instant application does not necessarily result in infringement of the claims of the Patent. Lastly, Applicants find no basis for the U.S. Patent Office allegation that the "instant claims are generic to and encompass those in the patent claims."

Reconsideration and an early allowance are respectfully solicited.

Respectfully submitted,



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